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**From: Jody L. Burtner**  
 Direct Phone: 412.288.3233  
 Email: jlburtner@reedsmith.com  
 Date: September 15, 2004

Reed Smith LLP  
 435 Sixth Avenue  
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**Total Number Of Pages Including Cover Page 14**

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Name	Company	Fax Number	Phone Number
Ms. Darlene Lyon	U.S. Patent and Trademark Office	703-308-5065	

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**NOTES:**

Re: Applicants: PODLUCKY et al.  
 Title: TEA BREWING SYSTEM  
 Serial No.: 10/076,253  
 Filed: February 13, 2002  
 Conf. No.: 8603  
 Art Unit: 1761  
 Examiner: A. J. Weier  
 Docket No.: 01-410-US

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9/15/04 4:58 PM

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September 15, 2004

**VIA TELEFAX 703-308-5065**

**Attention: Ms. Darlene Lyon**  
Commissioner for Patents  
MAIL STOP ISSUE FEE  
P.O. BOX 1450  
Alexandria, VA 22313-1450

Re: Applicants: PODLUCKY et al.  
Title: TEA BREWING SYSTEM  
Serial No.: 10/076,253  
Filed: February 13, 2002  
Conf. No.: 8603  
Art Unit: 1761  
Examiner: A. J. Weier  
Docket No.: 01-410-US

Dear Sir:

Enclosed are the following for filing in connection with the above-referenced application:

1. A Petition to Withdraw Holding of Abandonment Pursuant to 37 CFR 1.181 with attachments.

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

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Jody L. Burner

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September 15, 2004

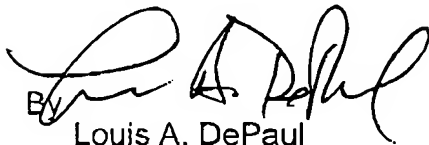
Page 2

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The Director is authorized to charge any payment due in connection with this submission, or to credit any overpayment to Deposit Account No. 18-0582. A duplicate copy of this authorization is enclosed.

Very truly yours,

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A handwritten signature in black ink, appearing to read "Louis A. DePaul", written over the printed name.

Louis A. DePaul  
Reg. No. 28,407



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UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,253	02/13/2002	Gregory J. Podlucky	01-410-US	8603

7590

09/01/2004

Louis A. DePaul, Esq.

REED SMITH LLP

P.O. Box 488

Pittsburgh, PA 15230-0488

EXAMINER

WEIER, ANTHONY J

ART UNIT

PAPER NUMBER

1761

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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10 076253

EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED:

## NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
- ☐ A reply (with Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_ which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on \_\_\_\_\_, but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).
- ☒ The submitted fee of \$ 655 is insufficient. A balance of \$ 10 is due.  
The issue fee by 37 CFR 1.18 is \$ 665. The publication fee, if required, by 37 CFR 1.18(d) is \$ \_\_\_\_\_.
- ☐ The issue fee and publication fee, if applicable, have not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
- ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: \_\_\_\_\_  
Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

# ReedSmith

Cheryl L. Gastineau, Patent Agent  
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July 15, 2004

Commissioner for Patents  
**MAIL STOP ISSUE FEE**  
P.O. Box 1450  
Alexandria, VA 22313-1450

Re: Applicant: PODLUCKY  
Title: TEA BREWING SYSTEM  
Serial No.: 10/076,253  
Filed: February 13, 2002  
Conf. No.: 8603  
Art Unit: 1761  
Examiner: A. J. Weier  
Docket No.: 01-410-US

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Dear Sir:

Enclosed are the following for filing in connection with the above-referenced application:

1. A completed Issue Fee Transmittal;
2. A check in the amount of \$665.00 representing the issue fee for a small entity; and

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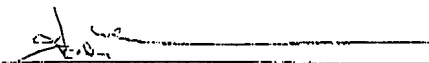
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Jody L. Burner

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July 15, 2004

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3. A self-addressed stamped postcard, return of which is requested to acknowledge receipt of the enclosed documents.

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By

  
Cheryl L. Gastineau  
Reg. No. 39,469

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## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

7590

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Louis A. DePaul, Esq.  
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Jody L. Burtner	(Depositor's name)
	(Signature)
July 15, 2004	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,253	02/13/2002	Gregory J. Podlucky	01-410-US	8603

TITLE OF INVENTION: TEA BREWING SYSTEM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$0	\$665	08/19/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
WEIER, ANTHONY J	1761	426-435000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OK, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Reed Smith LLP

2. \_\_\_\_\_

3. \_\_\_\_\_

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Le-Nature's, Inc.

Latrobe, Pennsylvania

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ individual ☒ corporation or other private group entity ☐ government

## 4a. The following fee(s) are enclosed:

- ☒ Issue Fee
- ☐ Publication Fee
- ☐ Advance Order - # of Copies \_\_\_\_\_

## 4b. Payment of Fee(s):

- ☒ A check in the amount of the fee(s) is enclosed.
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Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature) Cheryl L. Gastineau (Date)

July 15, 2004

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

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REED SMITH LLP P.O. Box 2009 Pittsburgh, PA 15230

No. 828330

ReedSmith<sup>LLP</sup>

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Pittsburgh, Pennsylvania

P.O. Box 2009  
Pittsburgh, PA 15230

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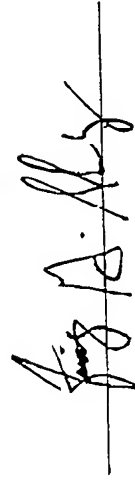
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TEA BREWING SYSTEM

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Ser. No. 10/076,253

Paper Dated 7/15/2004

Atty's File No. 01-410-US  
Le-Nature's

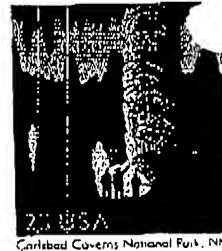
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10/076,253	02/13/2002	GREGORY J. PODLUCKY	01-410-US

LOUIS A. DEPAUL, ESQ  
REED SMITH L.L.P.  
P. O. BOX 488  
PITTSBURGE, PA. 05230-0488

EXAMINER	
WEIER, A. J.	
ART UNIT	PAPER NUMBER
1761	

DATE MAILED: 09/20/04

NOTICE OF RESCINDED ABANDONMENT

- ☐ In response to your communication filed \_\_\_\_\_
- ☐ Through inadvertence, a Notice of Abandonment was mailed in the above-identified application. The Notice of Abandonment is hereby rescinded. ~~The issue fee receipt will be mailed within six weeks.~~

*for Brenda J. Moore*  
Manager, Publishing Division  
Office of Patent Publication